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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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JESUS FAJARDO-ZAMORA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION AND  
ORDER DENYING [30] MOTION FOR  
EARLY RELEASE**

Case No. 2:16-cr-00029-DN

District Judge David Nuffer

Petitioner Jesus Fajardo-Zamora seeks early release under [18 U.S.C. § 3624](#).<sup>1</sup> The United States responds in opposition.<sup>2</sup> Fajardo-Zamora did not file a reply.

Because the court does not have authority under [18 U.S.C. § 3624](#) to grant an early release, the Motion is DENIED.

**DISCUSSION**

Fajardo-Zamora argues that the court “has the discretion, pursuant to the federal prison bureau non-violent offenders relief act of 2013, to consider trhe [sic] factors set forth in [18 USC section 3624](#) issued petitioner an immediately early release accordingly.”<sup>3</sup>

The United States correctly points out that the Federal Prison Bureau Nonviolent Offender Relief Act of 2013 has never been enacted into law.<sup>4</sup> And [18 U.S.C. 3624](#) outlines the terms of custody and release guidelines for the Director of the Bureau of Prisons. It does not give the court authority to grant early release.

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<sup>1</sup> Motion for Early Release Pursuant to [Title 18 USC 3624](#) (Motion), [docket no. 30](#), filed August 5, 2016.

<sup>2</sup> United States’ Response to Petitioner’s Motion for Early Release, [docket no. 34](#), filed February 13, 2017.

<sup>3</sup> Motion at 5.

<sup>4</sup> See H.R.62 – Federal Prison Bureau Nonviolent Offender Relief Act of 2013, available at <https://www.congress.gov/bill/113th-congress/house-bill/62/actions>.

Therefore, Fajardo-Zamora's motion fails because he has not shown that he is eligible or merits relief under [18 U.S.C. § 3624](#) and the Federal Prison Bureau Nonviolent Offender Relief Act of 2013 is not the law.<sup>5</sup>

**ORDER**

IT IS HEREBY ORDERED that the Motion for Early Release Pursuant to [Title 18 U.S.C. 3624](#)<sup>6</sup> is DENIED.

Signed April 20, 2017.

BY THE COURT



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District Judge David Nuffer

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<sup>5</sup> Though, even if it were the law, it still would not endow the court with the authority to release Fajardo-Zamora. It is directed toward the Bureau of Prisons.

<sup>6</sup> [Docket no. 30](#), filed August 5, 2016.